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ABSTRACT

This paper highlights the responsibilities of trustees of the New Jersey Community Colleges. It especially clarifies the relationship between trustees and their presidents, and the relationship between trustees and their county sponsor. Citizen governance of the public colleges has two principal functions: (1) to be responsive to the public interest by bringing the perspective of informed citizens to the heart of the college for setting missions, approving policies and budgets, and selecting and evaluating institutional leaders; and (2) to be thoughtful and knowledgeable advocates for the needs of the college to elected officials and the public. As community college trustees carry out these functions, they must maintain good relationships among themselves while conducting business in an open meetings forum. College trustees must also balance the division of responsibilities between the board and the college administration. Trustees must be prepared to identify priorities, shape institutional responses to New Jersey's needs, and communicate progress to local elected officials. In addition, how a decision is communicated can often be as important as the decision itself. Trustees need to empower their administration and to serve as buffers and bridges between the campus and the larger society it serves. Trustees also need to network with businesses and corporations in an effort to link business with academics. (NB)

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PROTECTING THE PUBLIC TRUST AFTER APPOINTMENT TO THE BOARD

By Charles F. Carletta

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PROTECTING THE PUBLIC TRUST AFTER APPOINTMENT TO THE BOARD

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Although trained as a prosecutor and defense trial attorney, Mr. Carletta dedicates his practice specifically to college issues including administration, purchasing, government contracts, risk management, student affairs, public safety, and development. He and his firm were recently honored for contributions to higher education by Stetson University College of Law, the Association for Student Judicial Affairs, and the Hudson-Mohawk Association of Colleges and Universities.

This is the second in a series of Occasional Papers that the Council of County College plans to publish on topics important to community colleges throughout the state and nationally.

Trustees are the lay leaders of our New Jersey community college system. They govern our institutions, and they provide critical leadership at the state level.

This paper highlights the responsibilities of trustees. It especially clarifies the relationship between trustees and their presidents, and the relationship between trustees and their county sponsor.

Additional copies of this report are available upon request from the Council office.

Dr. Laurence A. Nespoli, President
New Jersey Council of County Colleges, September 1999

Community College Trustees: Protecting the Public Trust after Appointment to the Board

Shortened, the title to this discourse could more appropriately be taken from the last line of the 1960s movie "The Candidate" in which the just elected Senator, played by Robert Redford, corners his aid in a closet at the election night party and pleads: "So now what do I do?"

The tradition of strong lay governing boards was born in the Italian universities of the 12th and 13th Centuries. In the United States, the necessity for trustees to serve as final mediators and guarantors of fiscal and academic integrity has long been respected. In the case of public colleges, citizen governance has two principal functions: (1) To be responsive to the public interest by bringing the perspective of informed citizens to the heart of the college for setting missions, approving policies and budgets, and selecting and evaluating institutional leaders; and (2) to be thoughtful and knowledgeable advocates for the needs of the college to elected officials and the public. Exactly how to accomplish these presents the very difficult practical dilemma often described as maintaining oneself somewhere on a continuum between micro-managing and rubber-stamping.

Certainly stewardship of community colleges should involve goals more ambitious than preserving the status quo or that portion of the state and local budgets devoted to education. There must also be professional and artful acceptance of a multiplicity of roles and a willingness on the part of board members to ask new questions coupled with a readiness to bring broader and longer-term perspectives to deliberations in board rooms. Additionally, there must be a recognition that the college president and trustees share equal responsibility for maintaining civil, constructive, trusting, and supportive relationships amongst themselves.

All of this, of course, has to be managed in an open meetings forum. We must always be aware that trustees operate in a society in which all public decisions are under intense, instant scrutiny by an active, indeed interactive,

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electronically-assisted media. This has helped produce for us a troubled and self-doubting society that is skeptical, critical, and distrustful of all of its institutions. Community college trustees are caught in the middle along with their presidents.

One of the key issues for college trustees, therefore, is the balancing of the division of responsibilities between the board and the administration. The attitudes and demeanor of board members are often described as active or passive — each with argumentative pros and cons. Definitions become interesting. I am reminded of a story involving a Florida gubernatorial campaign in the 1950s when counties there were voting on local prohibition. Governor Fuller Warren made a classic fence-straddling speech when asked if he was a "wet" or a "dry". Warren replied: "if by whiskey you mean the water of life that cheers men's souls...that smoothes out the tensions of the day...that gives perspective to one's view of life...then put my name down on the list of fervent wets. But if by whiskey you mean that devil's brew that ruins families, destroys careers, and ruins one's ability to work...then count me in the ranks of the dedicated dry".

If trustee activism means a demonstrated commitment to advocacy of institutional needs in serving the broad public trust, the thoughtful and determined pursuit of needed reform in partnership with the president and other academic leaders, the exercise of leadership through persuasion and reasoned argument rather than through the use of coercion or ultimatum, the willingness to exercise compromise and patience as well as the art of followership, then activism, ladies and gentlemen, is your duty. But, if activism means unrelenting criticism and distrust of institutional leaders, using the press to advance arguments best left in a board room and more reflective of personal conclusions and agendas, serving primarily as the instrument of the person most responsible for one's appointment to the board, pursuing strong stands on complex issues before understanding all of the facts or indeed before they are even all presented and weighed by other board members, then activism is an abuse of office.

It is a tough job to resist the temptation to become enmeshed with the details of institutional management. Trustees need to be concerned about institutional purpose, direction, and accountability, and then be prepared for and get comfortable with the idea that they must let administrators that they hire and evaluate develop and implement procedures for effecting the board's vision and goals. This can often be difficult to do because, once again, you are under the public eye. The press reports only what it wants to report and, unlike your counterparts in the private sector, you must be strong advocates for public support of your institution. One function of public higher education after all is to provide an affordable alternative to the spiraling costs plaguing private higher education over the last several years.

You must be prepared to identify priorities, shape institutional responses to New Jersey's needs, and communicate progress to local elected officials at a time when such officials simply do not want to spend any more money than necessary on programs from which they cannot fulfill instant political objectives. This becomes increasingly difficult because, as part of your duties, you must simultaneously maintain your independence from your county sponsor. It is counterproductive to view yourself as a government agency when you are on the board of trustees of a community college. A deliberate effort has been made in New Jersey statute to keep you independent of those who, because they send you money, would view you perhaps as a gatekeeper to a list of prospective jobs.

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In fact, you are assuming a relationship that is the ultimate leadership role for the management of your college. I was fortunate to become a student of leadership as a member of our military forces and discovered that the secret of a true leader is an ability and intelligence to follow, to learn, to actively participate in the decision making process, and then support decisions made through that process. It is especially important to develop a special relationship with your president characterized by honesty, inspiration, competency, fair-mindedness, and the ability to look forward. Honesty, by the way, is the core value between boards and presidents.

Requirements for a leader also include being able to tell people what you are doing and why. How a decision is communicated is often as important as the decision itself. Strong leaders have a vision, a sensitivity, and a commitment to their mission which they can articulate and defend; about which they can be humble and friendly;

regarding which they can share the spotlight and glory with others; and over which they can take responsibility for mistakes.

As a board member, you will have the unique opportunity of selecting and/or evaluating your college's leader: the college president. As a relevant aside, I have seen the effective management of a good college run amuck simply because subordinates knew they could do an end run to the board and side step the president. Avoid this trap.

Engaging in a leader-follower relationship with your president does not mean that you cannot challenge that person. Indeed, you must; but you should also encourage and you should defend, and, yes, privately or amongst yourselves as board members, you should be prepared to quietly criticize and evaluate. But above all, empower your administration. They have important work to do on your critical issues. Let them do it. In order to perform well they must have discretion and autonomy over their tasks and resources. Give it to them. Human beings need to be recognized for their efforts. In public life that is often the only extra you can give someone who does a good job. Recognize them. Finally, let's not forget bridge building. Build relationships for your people. Connect them with people that you know who exercise power in the business community and find them sponsors and mentors.

Indeed, a universal middle ground for community college trustees might be synonymous with the words "buffers" and "bridges" between the campus and the larger society that depends on the college to be responsive and responsible.

Community college trustees can network with business contacts and open corporate doors to link academics with business. If you think about it, that might be what trustees are best at doing. Many of you come from a sector in which you have established connections that have helped you to be successful leaders in your respective callings. Identify and seek out those who have helped you get there, either wittingly or unwittingly. As board members, you can link academic representatives from the college with key decision makers in business who can provide appropriate introductions or resources to implement the college's programs. You can provide third-party endorsements which may be useful in the early stages of defining the framework of a collegiate-industrial alliance. You also can enlighten faculty and staff about the specific needs and protocols of government agencies and regulated industries so that they don't work with erroneous assumptions about the need for efficiency and closure on an issue.

That being said, trustees must then be wary because this very intercommunal activity, beneficial as it is, presents a potential for conflicts of interest even greater than that posed by traditional written agreements. One must always be watchful of personal financial intersections, family interests, political agendas, and the needs of friends.

But above all, empower your administration. They have important work to do on your critical issues. Let them do it. In order to perform well they must have discretion and autonomy over their tasks and resources. Give it to them.

There are few things more damaging to the credibility of any public institution than the perception by the public of conflicts of interest. It can skew the public's idea of the institution's mission and detract from its willingness to participate in the financing of the campus. Trustees must always endeavor to make sure that the pursuit of opportunity for the campus does not devolve into or even appear to be request for personal gain. Trustees must strengthen safeguards against conflicts of interest for themselves and college employees so that they can, above all, protect the college's integrity even as they encourage new industrial alliances: 1) Policies must be in place which familiarize people with concepts of prior disclosure so that trustees are comfortable disclosing all real and potential conflicts to the board, either in advance or as they arise; 2) trustees must be comfortable with nonparticipation in any decision in which he or she has a real or apparent conflict of interest; 3) the board must have the ability to accomplish a disinterested review of any conflicts item; and finally 4) everything has to be documented. The board must keep accurate minutes that report that a conflict was disclosed and that the conflicted trustee did not participate in a vote.

Internal conflicts, less easy to spot and less familiar to new trustees, should also be carefully avoided. Trustees can be compromised by those within the college community who would advance pet projects that may be preferable to but incompatible with the core interests of the campus. For example, while distance learning and smart computerized classrooms offer exciting prospects, such innovations do not fit every campus, curriculum, or budget. Perhaps the

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greatest temptation in higher education is to try to be all things to all people. Determining which programs and activities are consistent with each institution's culture, traditions, and financial resources is one of the strategies requiring intense teamwork between administration and board.

The individuality of the trustees comes forth most strongly in committee assignments. This is where in depth knowledge is obtained and where people learn to trust each other, which in essence is the backbone of the way any board process works. One of the art forms to this technique is to understand that the knowledge gained by one committee, painstakingly learned and shared within the committee, is not easily or quickly transferred to other committees. Trust amongst the committees plays a large role in the smooth functioning of the board.

The last idea that I share with you is one regarding civility. Blame it on the media, increased public scrutiny, the pace of our society; we have a tendency to be uncivil towards one another. As a trustee you have an opportunity to effect something dramatically different; creating a teachable moment through which you can project an image to the community that may be unlike anything they see elsewhere.

William Sloan Coffin recently observed that if civility in American is declining, it is not because that sometime earlier our values were superior; they simply were more pervasive. Traditions were less questioned; experience was more predictable. For example, he notes that fifty years ago in our public schools, boys took wood shop, and girls took home economics. At that time, feminists were all but unheard of, homosexuals "didn't exist," and no one knew any Muslims. Racial segregation was accepted. It was the way America had always done business. There was a single American religion – a highly nationalistic form of Protestant Christianity. There was one enemy – the Soviet Union. Professional sports was a male phenomenon. Then change engulfed our country; fortunately most of us were committed to non-violence, but not to civility.

He notes that by the time the Vietnam war had torn the country apart there were multiple meanings to being an American and ever since then we have had less and less of a shared understanding of what American democracy is fundamentally about. As we are all well aware, our political battles today prompt more anger than dialogue.

It is therefore incumbent upon us in leadership positions – especially in education where our actions influence not only our fellow workers, but also our community's young people – to affirm differentiation and communion which Dr. Coffin calls the real challenge of civility in America. Civility gives birth to an emphasis on truth as well as good taste, which often can be in serious civil conflict with each other. The truth is that we all belong to one another, but clearly God is more comfortable with diversity than we are. Nevertheless, our national identity, the very essence of who we are in the world intellectual marketplace, reminds us that America has elected to build its foundation upon the differences of its people. We must learn to celebrate those differences rather than fear them. While diversity may be the hardest thing for us to live with, it is perhaps the most dangerous thing for America to live without.

America has elected to build its foundation upon the differences of its people. We must learn to celebrate those differences rather than fear them. While diversity may be the hardest thing for us to live with, it is perhaps the most dangerous thing for America to live without.

In this marvelous society in which we are fortunate to find ourselves, the penalty for any of us getting lazy about being proactive is that others will invoke the ultimate American reactive brake – the courts. We should not turn over to the judiciary issues that we can better resolve in boardrooms. We should plan, negotiate, lobby, and effect decisions that we collectively make for the right reasons and in the correct manner, without waiting for or relying upon reactive activity from our judicial system. We are encouraged to think this way by none other than Mr. Justice Scalia of the United States Supreme Court who vocalized his confusion regarding our nature to use the courts to resolve social issues affecting America today: "My colleagues and I do not know what John Q. Public thinks; but ...why would you leave (serious issues like) this to nine lawyers, for heaven's sake"?

Within your system of community colleges and higher education in New Jersey, you as trustees have all the talent, skill, determination, and energy necessary to run this system well for the students of today who are also the leaders and trustees of tomorrow.

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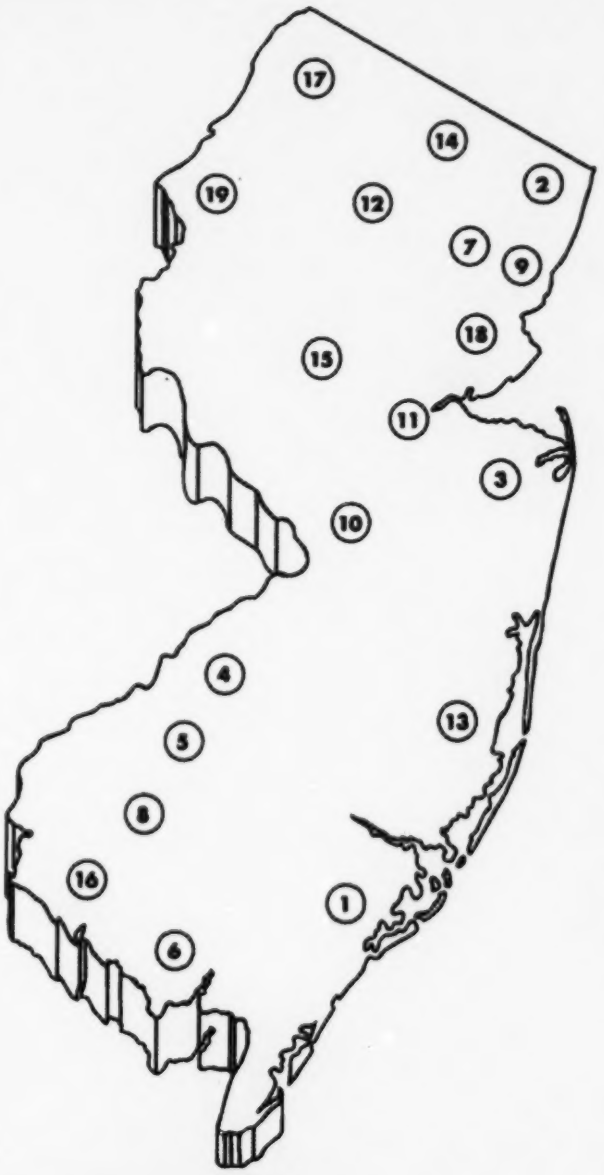

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